

## REMARKS

In accordance with the foregoing, claims 1, 13, and 15 are amended. Accordingly, claims 1-19 are pending and under consideration.

### Rejection of Claims 1, 4-5, and 7-9 Under 35 U.S.C. §102(e)

The Office Action rejects claims 1, 4-5, and 7-9 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 7,069,578 issued to Prus et al. (hereinafter referred to as "Prus"). This rejection is respectfully traversed.

Prus does not disclose, teach, or suggest at least, "wherein the central processing unit downloads the main program from the personal computer (PC) through the data control unit (DCU) when the control command is not input, and wherein the central processing unit downloads the main program from the PC through serial communication when the DCU is unavailable and the control command is not input," as recited in claim 1. Therefore, for at least these reasons, claim 1 is patentably distinguishable from the cited reference.

Claims 4, 5, 7, and 9 depend from claim 1 and include all of the features of claim 1. Therefore, for at least these reasons, claims 4, 5, 7, and 9 are patentably distinguishable from the cited reference.

Accordingly, withdrawal of this rejection is respectfully requested.

### Rejection of Claim 2 Under 35 U.S.C. §103(a)

The Office Action rejects claim 2 under 35 U.S.C. §103(a) as being unpatentable over Prus in view of U.S. Publication No. 2003/0172306 to Cain et al. (hereinafter referred to as "Cain"). This rejection is respectfully traversed.

Prus and Cain, taken separately or in combination, do not disclose, teach, or suggest at least, "wherein the central processing unit downloads the main program from the personal computer (PC) through the data control unit (DCU) when the control command is not input, and wherein the central processing unit downloads the main program from the PC through serial communication when the DCU is unavailable and the control command is not input," as recited in claim 1. Cain does not cure the deficiencies of Prus. Therefore, for at least these reasons, claim 1 is patentably distinguishable from the cited references.

Claim 2 depends from claim 1 and includes all of the features of claim 1. Therefore, for at least these reasons, claim 2 is patentably distinguishable from the cited references.

Accordingly, withdrawal of this rejection is respectfully requested.

### Rejection of Claim 3 Under 35 U.S.C. §103(a)

The Office Action rejects claim 3 under 35 U.S.C. §103(a) as being unpatentable over Prus in view of U.S. Patent No. 6,560,685 issued to Jackson. This rejection is respectfully traversed.

Prus and Jackson, taken separately or in combination, do not disclose, teach, or suggest at least, "wherein the central processing unit downloads the main program from the personal computer (PC) through the data control unit (DCU) when the control command is not input, and wherein the central processing unit downloads the main program from the PC through serial communication when the DCU is unavailable and the control command is not input," as recited in claim 1. Jackson does not cure the deficiencies of Prus. Therefore, for at least these reasons, claim 1 is patentably distinguishable from the cited references.

Claim 3 depends from claim 1 and includes all of the features of claim 1. Therefore, for at least these reasons, claim 3 is patentably distinguishable from the cited references.

Accordingly, withdrawal of this rejection is respectfully requested.

Rejection of Claim 6 Under 35 U.S.C. §103(a)

The Office Action rejects claim 6 under 35 U.S.C. §103(a) as being unpatentable over Prus in view of U.S. Patent No. 5,802,592 issued to Chess et al. (hereinafter referred to as "Chess"). This rejection is respectfully traversed.

Prus and Chess, taken separately or in combination, do not disclose, teach, or suggest at least, "wherein the central processing unit downloads the main program from the personal computer (PC) through the data control unit (DCU) when the control command is not input, and wherein the central processing unit downloads the main program from the PC through serial communication when the DCU is unavailable and the control command is not input," as recited in claim 1. Chess does not cure the deficiencies of Prus. Therefore, for at least these reasons, claim 1 is patentably distinguishable from the cited references.

Claim 6 depends from claim 1 and includes all of the features of claim 1. Therefore, for at least these reasons, claim 6 is patentably distinguishable from the cited references.

Accordingly, withdrawal of this rejection is respectfully requested.

Rejection of Claim 10 Under 35 U.S.C. §103(a)

The Office Action rejects claim 10 under 35 U.S.C. §103(a) as being unpatentable over Prus in view of U.S. Patent No. 6,807,597 issued to Oh et al. (hereinafter referred to as "Oh"). This rejection is respectfully traversed.

Prus and Oh, taken separately or in combination, do not disclose, teach, or suggest at

least, "wherein the central processing unit downloads the main program from the personal computer (PC) through the data control unit (DCU) when the control command is not input, and wherein the central processing unit downloads the main program from the PC through serial communication when the DCU is unavailable and the control command is not input," as recited in claim 1. Oh does not cure the deficiencies of Prus. Therefore, for at least these reasons, claim 1 is patentably distinguishable from the cited references.

Claim 10 depends from claim 1 and includes all of the features of claim 1. Therefore, for at least these reasons, claim 10 is patentably distinguishable from the cited references.

Accordingly, withdrawal of this rejection is respectfully requested.

Rejection of Claim 11 Under 35 U.S.C. §103(a)

The Office Action rejects claim 11 under 35 U.S.C. §103(a) as being unpatentable over Prus in view of Oh, and further in view of U.S. Patent No. 6,807,597 issued to Yap. This rejection is respectfully traversed.

Prus, Oh, and Yap, taken separately or in combination, do not disclose, teach, or suggest at least, "wherein the central processing unit downloads the main program from the personal computer (PC) through the data control unit (DCU) when the control command is not input, and wherein the central processing unit downloads the main program from the PC through serial communication when the DCU is unavailable and the control command is not input," as recited in claim 1. Yap does not cure the deficiencies of Prus and Oh. Therefore, for at least these reasons, claim 1 is patentably distinguishable from the cited reference.

Claim 11 depends from claim 1 and includes all of the features of claim 1. Therefore, for at least these reasons, claim 11 is patentably distinguishable from the cited reference.

Accordingly, withdrawal of this rejection is respectfully requested.

Rejection of Claim 12 Under 35 U.S.C. §103(a)

The Office Action rejects claim 12 under 35 U.S.C. §103(a) as being unpatentable over Prus in view of U.S. Patent No. 5,038,211 issued to Hallenback. This rejection is respectfully traversed.

Prus and Hallenback, taken separately or in combination, do not disclose, teach, or suggest at least, "wherein the central processing unit downloads the main program from the personal computer (PC) through the data control unit (DCU) when the control command is not input, and wherein the central processing unit downloads the main program from the PC through serial communication when the DCU is unavailable and the control command is not input," as recited in claim 1. Hallenback does not cure the deficiencies of Prus. Therefore, for at least

these reasons, claim 1 is patentably distinguishable from the cited references.

Claim 12 depends from claim 1 and includes all of the features of claim 1. Therefore, for at least these reasons, claim 12 is patentably distinguishable from the cited references.

Accordingly, withdrawal of this rejection is respectfully requested.

Rejection of Claims 13-14 Under 35 U.S.C. §103(a)

The Office Action rejects claims 13-14 under 35 U.S.C. §103(a) as being unpatentable over Prus in view of Oh, and further in view of Yap and Cain and U.S. Publication No. 2003/0105716 to Sutton et al. (hereinafter referred to as "Sutton"). This rejection is respectfully traversed.

Prus, Oh, Yap, Cain, and Sutton, taken separately or in combination, do not disclose, teach, or suggest at least, "downloading the file from the PC through the DCU when the memory card insert signal is not received; downloading the main program from the PC through the serial communication when the DCU is unavailable and the memory card insert signal is not received," as recited in claim 13. Therefore, for at least these reasons, claim 13 is patentably distinguishable from the cited references.

Claim 14 depends from claim 13 and includes all of the features of claim 13. Therefore, for at least these reasons, claim 14 is patentably distinguishable from the cited references.

Accordingly, withdrawal of this rejection is respectfully requested.

Rejection of Claims 15-19 Under 35 U.S.C. §103(a)

The Office Action rejects claims 15-19 under 35 U.S.C. §103(a) as being unpatentable over Prus in view of applicant's admitted prior art (figure 2). This rejection is respectfully traversed.

Prus and applicant's admitted prior art (figure 2), taken separately or in combination, do not disclose, teach, or suggest at least, "downloading the main program from a personal computer (PC) through the DCU when the memory card selection key signal is not input; downloading the main program from the PC through the serial communication when the DCU is unavailable and the memory card selection key signal is not input," as recited in claim 15.

In col. 6, lines 7-52, Prus only discloses detecting presence of a smart card so that a bootloader 300 will load an executable image from the smart card and execute the newly acquired program software instead of the remainder of the bootloader 300. However, if a smart card does not exist, a CRC check is performed to determine whether booting is still possible.

On page 16, the Office Action asserts that Prus teaches the general concept of attempting to load a program from a secondary source when the primary source is not present.

However, the bootloader 300 is located in the flash memory 200 of settop receiver 150, and the program has been previously loaded for execution. Accordingly, Prus does not disclose downloading another program when a program from a memory card is unavailable.

Moreover, In *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385, 1396, (U.S. Supreme Court 2007), the Supreme Court stated,

“Often, it will be necessary for a court to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the market place; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent issue. To facilitate review, this analysis should be made explicit. See *In re Kahn*, 441 F.3d 977,988 (CA Fed. 2006) (“[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness”).”

Applicant respectfully submits that the Office Action does not articulate a sufficient reason for combining the two references cited to reject the claims. Therefore, for at least these reasons, claim 15 is patentably distinguishable from the cited references.

Claims 16-19 depend from claim 15 and include all of the features of claim 15. Therefore, for at least these reasons, claims 16-19 are also patentably distinguishable from the cited references.

Accordingly, withdrawal of this rejection is respectfully requested.

#### Summary

Claims 1-19 are pending and under consideration. It is respectfully submitted that none of these references taken alone or in combination disclose the present claimed invention

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.


Serial No. 10/627,726

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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